

REMARKS

I. Summary of the Examiner's Action

A. Claim Rejections

In paragraph 3 of the Office Action, the Examiner rejected claims 1 – 27 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,894,992 to Morvan *et al.* (hereinafter “the Morvan patent”).

This rejection is respectfully disagreed with, and traversed below.

II. Applicants' Response – Claim Rejections

Before responding to the Examiner's rejections, Applicants respectfully direct the Examiner's attention to a review of pertinent aspects of their invention presented on pages 8 – 9 of the Response dated April 14, 2005.

Claim 1 recites the following subject matter (emphasis added):

1. A method for operating a communication system having subscriber stations (SSs) and at least one base station (BS), comprising the steps of:

arranging a forward link and a reverse link to operate with a common waveform, the forward link operating at a first frequency that is transmitted by the BS and received by the SS, and the reverse link operating at a second frequency that is transmitted by the SS and received by the BS; and

using common forward link and reverse link signal processing
circuitry in the BS and individual ones of the SSs.

When considered in light of the description of Applicants' invention presented in the April 14, 2005 Response and the problems both recognized by Applicants and overcome by Applicants' invention, it is not seen where the Morvan patent shows any appreciation of these issues. Applicants respectfully submit that the Morvan patent neither describes nor suggests the emphasized subject matter in claim 1 reproduced above.

Applicants reproduce the only portion of the Morvan patent relied on by the Examiner (Column 30, lines 51 – 64), in addition to some additional subject matter here:

“This dual occupation of the communication is not critical when the information transmitted is voice information. In the case of a data communication, the duplication of the links, of the information and of the occupation of the communication medium may saturate the cell and block a request for the connection to the outside of the cell.

In FIGS. 18B and 18C, the functioning of the device which is the object of the present invention can be seen, a functioning intended to avoid such a duplication.

In this functioning:

When at least one of the mobile stations which is to communicate, referenced 1805 and 1806, is capable of functioning in base station mode, or when the mobile stations 1805 and 1806 are both capable of communicating direct, the cell is organized so that communication

between the two mobile stations is direct, without passing through another station,

and, in the contrary case, a mobile station 1810 capable of functioning as a base station takes this role vis-à-vis the two mobile stations 1805 and 1806 which are to communicate and constitutes with them a new cell, in order to release the initial base station 1804 from the traffic concerning communication between the mobile stations 1805 and 1806.”

It is not seen where in the reproduced portion of the Morvan patent the emphasized portion of claim 1 is either described or suggested. Notably, the Morvan patent says nothing about “arranging a forward link and a reverse link to operate with a common waveform . . . and using common forward link and reverse link signal processing circuitry in the BS and individual ones of the SSs.” Although mobile stations of Morvan admittedly can operate as either base or mobile stations, the Morvan patent does not describe how this is implemented in hardware. It is possible that the Morvan mobile stations have separate circuitry – circuitry for operating as a mobile station and circuitry for operating as a base station. Circuitry that is intended to function with *different* waveforms in the forward and reverse links. Examiner has to admit that a mobile station can be implemented to operate as a base station *without* using a common waveform for the forward link and reverse links. All that need be done is that base station circuitry be incorporated in the mobile station. If the Examiner disagrees, Applicant respectfully requests that the Examiner point out with particularity where in either the reproduced portion or any other portion of the Morvan patent “arranging a

forward link and a reverse link to operate with a common waveform . . . and using common forward link and reverse link signal processing circuitry in the BS and individual ones of the SSs,” is either described or suggested.

Regarding Examiner’s statement “Given that MS 1805, 1806 and 1810, which are identical devices in essence, are capable of functioning in MS mode and BS mode, they are inherent to be operating with a common waveform and having common signal processing circuitry” (June 14, 2005 Office Action, Page 3, lines 1 – 3), this does not follow from the mere fact that the Morvan equipment can operate as either a mobile station or a base station. In the absence of definitive disclosure, one of ordinary skill in the art would conclude that the Morvan equipment operates in accordance with conventional practice, i.e., the equipment uses different waveforms for the forward and reverse links, and has separate base-station-type circuitry for performing base station operations and mobile-station-type circuitry for performing mobile station operations.

If the Examiner persists in the rejection, Applicants respectfully submits that the Examiner is practicing improper hindsight by using subject matter only described and claimed by Applicants (“arranging a forward link and a reverse link to operate with a common waveform . . . and using common forward link and reverse link signal processing circuitry in the BS and individual ones of the SSs”) to suggest an efficient manner for implementing Morvan’s purported invention.

Applicants respectfully submit that claim 1 is patentable for the foregoing reasons. Applicants therefore respectfully request that the Examiner withdraw the rejection of claim 1. Applicants also respectfully submit that independent claims 14 and 27 are patentable for reasons similar to claim 1 and for reasons attributable to their unique subject matter. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent claims 14 and 27. Additionally, Applicants respectfully submit that dependent claims 2 – 13 and 15 – 26 are patentable as depending, either directly or indirectly, from independent base claims that are patentable for the foregoing reasons.

III. Conclusion

The Applicant submits that in light of the foregoing remarks the application is now in condition for allowance. Applicant therefore respectfully requests that the outstanding rejections be withdrawn and that the case be passed to issuance.

Respectfully submitted,

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Date

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